

SETLIFF III LAW

4940 Dominion Boulevard
Glen Allen, Virginia 23060
Phone: 804-377-1260 Fax: 804-377-1280
www.setliffllaw.com

Peter E. Schurig
pschurig@setliffllaw.com

September 11, 2018

Direct Dial: 804-377-1276
Direct Fax: 804-377-1296

File No. 435-005

Via U.S. Mail & Email (Matthew@guntherlaw.com)

Matthew J. Weinberg, Esq.
Gunther Law Group
4646 Princess Anne Road, Suite 101
Virginia Beach, VA 23462

**Re: Polli v. White Pines, Inc.
Policy No: PAV 0059538
Date of Loss: March 22, 2016**

Dear Mr. Weinberg:

We have received your demand letter dated August 28, 2018 on behalf of your client, Bryan Polli, related to the above incident and resulting litigation. Penn-America Insurance Company issued the above-referenced commercial general liability policy (the "Policy") to White Pines, Inc. d/b/a LA's Gentlemen's Club (the "Insured").

As a preliminary matter, the Virginia Worker's Compensation Act (the "Act") applies to injuries "arising out of and in the course of" an individual's employment. Va. Ann. Code § 65.2-300. When an employee sustains an injury, the Act provides the sole and exclusive remedy available against the employer. *Rasnick v. The Pittston Co.*, 237 Va. 658, 660, 379 S.E.2d 353, 354 (1989). A physical act constitutes an accident within the meaning of the Act when it appears that it was the result of the actual risk out of the employment. *Reamer v. National Service Industries*, 237 Va. 466, 470, 377 S.E.2D 627, 629 (1989). An accident arises out of the employment if there is a causal connection between the employee's injury and the conditions under which the employer requires the work to be done. *Plummer v. Landmark Communications, Inc.*, 235 Va. 78, 87 366 S.E.2d 73, 77 (1988).

Here, the damages suffered by Mr. Polli are obligated under the Act, which provides his sole and exclusive remedy against the Insured. In addition, the Policy does not provide coverage for this loss. Mr. Polli's allegations do not fall within the scope of any of the Policy's coverages and his bodily injury is further subject to multiple exclusions.



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If you have any further questions regarding the foregoing, please do not hesitate to contact me. Moreover, please contact me as soon as possible if you disagree with our position set forth in this letter. Please note Penn-America's file number 18001754 on any correspondence.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter E. Schurig".

Peter E. Schurig, Esq.

PES/jlws